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Jeremy Burr

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EXAMINER

ISMAIL, SHAWKI SAIF

ART UNIT

PAPER NUMBER

2155

MAIL DATE

DELIVERY MODE

09/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/035,463

Applicant(s)

BURR, JEREMY

Examiner

Shawki S. Ismail

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 24 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, and 7-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. This communication is responsive to the amendment received on May 24, 2007.
Claims 1, 7, and 18 have been amended.
Claims 1-5, and 7-28 are pending.

Continued Examination Under 37 CFR 1.114 1.

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 24, 2007 has been entered.

The Previous Rejection Maintained

The rejection is respectfully maintained as set forth in the last Office Action mailed on January 24, 2007. Applicants' arguments with respect to claims 1-5, and 7-28 have been fully considered but they are not persuasive and the previous rejection is maintained.

Claim Rejections - 35 USC § 103

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, and 7-28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahmed et al., (hereinafter referred to as Ahmed) U.S. Patent No. 6,816,460 and in view of Dunko (hereinafter referred to as Dunko) et al., U.S. Patent Application Publication No. 20020183068 A1.

5. As to claim 1 and 7, Ahmed teaches a mobile device, comprising:

a processor programmed to establish a mobile ad-hoc network of mobile devices capable of communicating with each other and to construct a routing of only a subset of the mobile devices of the ad-hoc network wherein the processor is able to establish, within said mobile ad-hoc network, a sub-network of the mobile devices according to said routing list. (col. 4, lines 9-25, col. 9, lines 1-20).

Ahmed does not explicitly indicate wherein the ad-hoc network and sub-network is established among the mobile device that include an installed common application software.

Dunko teaches searching method for mobile terminals in the user's vicinity to establish a communication link with them. A mobile terminal begins by searching to identify other mobile devices in range that contain compatible Bluetooth application. When a match occurs the searching mobile devices compares received search code

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provided by the found devices to the search list containing search codes for the selected individuals and/or groups known to the searching mobile devices ([0036]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Dunko into the invention of Ahmed so that mobile devices that have compatible software applications are identified so that communication between them may be established.

6. As to claim 2, Ahmed teaches a mobile device according to claim 1, wherein the routing list includes one or more routes to the one or more other mobile devices (see Fig. 1 and 2, col. 4, lines 9-25).

7. As to claim 3, Ahmed teaches a device according to claim 1, comprising:

a memory (col. 9, lines 1-20);

a routing table stored in the memory, the routing table including the routing list (col. 4, lines 9-25).

8. As to claim 4, Ahmed teaches a mobile device according to claim 3, wherein the routing table is designed to store a route to at least one other reachable device (col. 4, lines 35-45).

9. As to claim 5, Ahmed teaches a mobile device according to claim 1, wherein the receiver is able to receive from a second mobile device another routing of other devices reachable from said second mobile device (col. 4, lines 35-45, col. 6, lines 30-54).

10. As to claim 8, Ahmed teaches a method according to claim 7, further comprising establishing a communications channel between first and second devices (col. 4, lines 35-46).

11. As to claim 9, Ahmed teaches a method according to claim 8, further comprising:
receiving a list of devices reachable from the second device, the list including a third device (col. 4, lines 9-25);

establishing a communications channel from the first device through the second device to the third device (col. 4, line 64 – col. 5, line 29).

12. As to claim 10, Ahmed teaches a method according to claim 9, further comprising sending messages from the first device to the second device, to be relayed to the third device (col. 4, line 64 – col. 5, line 29).

13. As to claim 11, Ahmed teaches a method according to claim 10, wherein sending messages from the first device to the second device includes specifying a path from the first device to the third device (col. 4, line 64 – col. 5, line 29).

14. As to claim 12, Ahmed teaches a method according to claim 9, wherein establishing a communications channel from the first device through the second device to the third device includes establishing a communications channel from the first device through the second device to the third device without regard for any alternative route from the first device to the third device (col. 3, lines 51-67, col. 4, line 64 – col. 5, line 29).

15. As to claim 13-14 and 17, Ahmed teaches a method according to claim 9 as discussed above.

Ahmed does not explicitly indicate wherein determining whether the third device has installed therein the common application software.

Dunko teaches searching method for mobile terminals in the user's vicinity to establish a communication link with them. A mobile terminal begins by searching to identify other mobile devices in range that contain compatible Bluetooth application. When a match occurs the searching mobile devices compares received search code provided by the found devices to the search list containing search codes for the selected individuals and/or groups known to the searching mobile devices ([0036]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Dunko into the invention of Ahmed so that mobile devices that have compatible software application are identified so that communication between them may be established.

16. As to claim 15, Ahmed teaches a method according to claim 9, further comprising changing the communications channel to an alternative communications channel if the alternative communications channel has a lower cost than the communications channel (col. 4, line 64 – col. 5, line 29).

17. As to claim 16, Ahmed teaches a method according to claim 8, further comprising: receiving a list of devices reachable from the second device; and forwarding the list of devices to a third device within range of the first device (col. 4, line 64 – col. 5, line 29).

18. As to claims 18-28, they do not teach or define any new limitation above claims 1-17, therefore; they are rejected for similar reasons.

19. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Response to Arguments

20. Applicants' arguments with respect to claims 1-5, and 7-28 have been fully considered but they are not persuasive. Applicant argues in substance that: Ahmed in view of Dunko do not disclose or suggest producing a routing list of a sub-network of devices capable of communication, wherein the criterion for inclusion in the routing list is the presence of an installed common application software.

In the applicant's remarks received on May 24, 2007 (page 10, paragraph 3), the applicant states "The Examiner states that Dunko's "common" application is any Bluetooth application compatible with the searching device's Bluetooth application." It appears that the applicant has misunderstood the examiner's position. Contrary to applicant's arguments the examiner is equating the Bluetooth applications running on the devices to the claimed common application software (as stated on page 7 of the Final Rejection mailed out on January 24, 2007). It is therefore the examiner's position that a mobile terminal searches to identify other mobile devices in range that are running the same Bluetooth applications (common application software). From the

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identified devices, the mobile terminal is then able to identify known mobile devices (sub-network)based on search code comparison and is able to communicate with only a subset of the mobile devices. Therefore, Ahmed in view of Dunko meet the scope of the claimed invention as currently presented and render the claims obvious.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
September 4, 2007



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SUPERVISORY PATENT EXAMINER